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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AliveCor, Inc.,

Plaintiff,

v.

Apple Inc.,

Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

**RESPONSE AND REQUEST FOR
CLARIFICATION RE ORDER
GRANTING IN PART AND DENYING IN
PART MOTIONS TO PERMANENTLY
FILE UNDER SEAL (DKT. 254)**

The Honorable Jeffrey S. White

Defendant Apple Inc. submits this response and request for clarification pursuant to the Court's Order Granting in Part And Denying in Part Motions to Permanently File under Seal Certain Materials Filed in Connection with Motion for Summary Judgment Briefing. Dkt. 254 ("the Order").

I. The Parties' Responses to the Court's Order

On November 2, 2023, Plaintiff AliveCor, Inc and Apple Inc. (collectively, "the Parties") filed omnibus motions to seal certain materials filed in connection with the Parties' summary judgment, *Daubert* briefing, and related filings. *See* Dkts. 249 and 250. On November 13, 2023, the Court issued its Order in response to the Parties' requests to seal. Dkt. 254. The Order included one request for Apple to clarify certain requests to seal. Apple responds as follows:

Dkt. Nos.	Document	Court Order	Response
191-18; 222-43	Rebuttal Expert Report of Dr. Michael Cragg	"The Court ORDERS Apple to clarify whether it seeks to fully seal this document or whether it only seeks sealing as to the highlighted portions. Apple shall submit its clarification no later than November 27, 2023." Dkt. 254 at 4-5.	Apple requests sealing only the highlighted portions of the document.

II. Apple's Request for Clarification

Apple requests the Court's permission to file all of the public versions of its summary judgment, *Daubert* briefing, and related filings at the same time, twenty-one (21) days after the Court's ruling on the response provided above.

DATE: November 27, 2023

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By: /s/ Jason C. Lo

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